

Moreover, the “identifying material” indicated by the Examiner in Fleet is not defined by the customer. In contrast, “the identifying material” described in the specification is a story booklet 30 including “a plurality of story sheets containing the following information: (A) the name of the toy fish 10 and an explanation of how or why the figurine ended up inside the toy fish 10 from the manufacturers; (b) an assortment of children’s published submissions on their versions on how or why the figurines are inside the toy fish; and (C) pre-printed sheets with blanks to encourage the toy fish’s new owner to submit his own version as to how or why the figurines are located within the toy fish.” (col. 2, lines 53-62). The story booklet is not customer defined, rather it is a manufacturer-defined booklet that is produced without regard to any individual customer’s desires or input. A customer cannot impact the contents of the story booklet prior to purchase.

Similarly, the Examiner states that Zerbo, Jr. “teaches a package for a displayable object having an aperture (window opening 12), and customer-defined identifying material supported in the package (instruction sheet 18).” However, the instruction sheet as described in the Zerbo, Jr. specification is not actually customer defined but instead is a “printed guide or card 16, bearing on its outer face a pictorial illustration in color of the floral assembly as the same has been designed to be arranged by an artist skilled in the art of flower arranging.” (col. 2, lines 60-65). Moreover, “the obverse face 18 of the picture bearer 16 ... may be imprinted with the identifying designation of the specific assortment by the specific name” as well as “guiding instructions thereon which include a suggestion for a specific container designed to accentuate the esthetic effects which are produced by the specific assortment of artificial

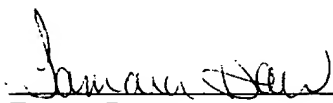
flowers.” (col. 3, lines 6-15). There is no disclosure, teaching or suggestion within Zerbo, Jr. that the printed guide or card has customer-defined information contained thereon. The Zerbo, Jr. card only includes pre-printed, product information not specific to any individual customer. A customer cannot affect the contents of the printed product card. Therefore, the Zerbo, Jr. card cannot be interpreted as containing customer-defined identifying material as disclosed in the present application.

In summary, neither Zerbo, Jr. nor Fleet disclose, teach or suggest the use of “customer-defined identifying material” as recited in claims 1-17. Thus, applicants respectfully request the withdrawal of the rejection of claims 1-17 under 35 U.S.C. § 103(a).

The above remarks are believed to fully address the Examiner’s rejections, and place the application in condition for allowance. A prompt indication of the same respectfully is requested. The Examiner is encouraged to telephone the undersigned if any issues remain that may be resolved by a telephonic interview.

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: Commissioner of Patents, Washington, D.C. 20231, on July 23, 2002

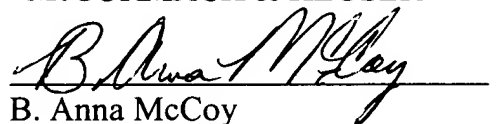


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